



House of Representatives

General Assembly

File No. 344

February Session, 2008

Substitute House Bill No. 5714

House of Representatives, April 1, 2008

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ZONING FOR STARTER HOMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The zoning commission of each city, town or borough is
4 authorized to regulate, within the limits of such municipality, the
5 height, number of stories and size of buildings and other structures;
6 the percentage of the area of the lot that may be occupied; the size of
7 yards, courts and other open spaces; the density of population and the
8 location and use of buildings, structures and land for trade, industry,
9 residence or other purposes, including water-dependent uses as
10 defined in section 22a-93, and the height, size and location of
11 advertising signs and billboards. Such bulk regulations may allow for
12 cluster development as defined in section 8-18. Such zoning
13 commission may divide the municipality into districts of such number,
14 shape and area as may be best suited to carry out the purposes of this

15 chapter; and, within such districts, it may regulate the erection,
16 construction, reconstruction, alteration or use of buildings or
17 structures and the use of land. All such regulations shall be uniform
18 for each class or kind of buildings, structures or use of land throughout
19 each district, but the regulations in one district may differ from those
20 in another district, and may provide that certain classes or kinds of
21 buildings, structures or uses of land are permitted only after obtaining
22 a special permit or special exception from a zoning commission,
23 planning commission, combined planning and zoning commission or
24 zoning board of appeals, whichever commission or board the
25 regulations may, notwithstanding any special act to the contrary,
26 designate, subject to standards set forth in the regulations and to
27 conditions necessary to protect the public health, safety, convenience
28 and property values. Such regulations shall be made in accordance
29 with a comprehensive plan and in adopting such regulations the
30 commission shall consider the plan of conservation and development
31 prepared under section 8-23 of the 2008 supplement to the general
32 statutes. Such regulations shall be designed to lessen congestion in the
33 streets; to secure safety from fire, panic, flood and other dangers; to
34 promote health and the general welfare; to provide adequate light and
35 air; to prevent the overcrowding of land; to avoid undue concentration
36 of population and to facilitate the adequate provision for
37 transportation, water, sewerage, schools, parks and other public
38 requirements. Such regulations shall be made with reasonable
39 consideration as to the character of the district and its peculiar
40 suitability for particular uses and with a view to conserving the value
41 of buildings and encouraging the most appropriate use of land
42 throughout such municipality. Such regulations may, to the extent
43 consistent with soil types, terrain, infrastructure capacity and the plan
44 of conservation and development for the community, provide for
45 cluster development, as defined in section 8-18, in residential zones.
46 Such regulations shall also encourage the development of housing
47 opportunities, including opportunities for multifamily dwellings,
48 consistent with soil types, terrain and infrastructure capacity, for all
49 residents of the municipality and the planning region in which the

50 municipality is located, as designated by the Secretary of the Office of
51 Policy and Management under section 16a-4a. Such regulations shall
52 also promote housing choice and economic diversity in housing,
53 including housing for both low and moderate income households, and
54 shall encourage the development of housing which will meet the
55 housing needs identified in the housing plan prepared pursuant to
56 section 8-37t and in the housing component and the other components
57 of the state plan of conservation and development prepared pursuant
58 to section 16a-26. Zoning regulations shall be made with reasonable
59 consideration for their impact on agriculture. Zoning regulations may
60 be made with reasonable consideration for the protection of historic
61 factors and shall be made with reasonable consideration for the
62 protection of existing and potential public surface and ground
63 drinking water supplies. On and after July 1, 1985, the regulations shall
64 provide that proper provision be made for soil erosion and sediment
65 control pursuant to section 22a-329. Such regulations may also
66 encourage energy-efficient patterns of development, the use of solar
67 and other renewable forms of energy, and energy conservation. The
68 regulations may also provide for incentives for developers who use
69 passive solar energy techniques, as defined in subsection (b) of section
70 8-25 of the 2008 supplement to the general statutes, in planning a
71 residential subdivision development. The incentives may include, but
72 not be limited to, cluster development, higher density development
73 and performance standards for roads, sidewalks and underground
74 facilities in the subdivision. Such regulations may provide for a
75 municipal system for the creation of development rights and the
76 permanent transfer of such development rights, which may include a
77 system for the variance of density limits in connection with any such
78 transfer. Such regulations may also provide for notice requirements in
79 addition to those required by this chapter. Such regulations may
80 provide for conditions on operations to collect spring water or well
81 water, as defined in section 21a-150, including the time, place and
82 manner of such operations. No such regulations shall prohibit the
83 operation of any family day care home or group day care home in a
84 residential zone. Such regulations shall not impose conditions and

85 requirements on manufactured homes having as their narrowest
86 dimension twenty-two feet or more and built in accordance with
87 federal manufactured home construction and safety standards or on
88 lots containing such manufactured homes which are substantially
89 different from conditions and requirements imposed on single-family
90 dwellings and lots containing single-family dwellings. Such
91 regulations shall not impose conditions and requirements on
92 developments to be occupied by manufactured homes having as their
93 narrowest dimension twenty-two feet or more and built in accordance
94 with federal manufactured home construction and safety standards
95 which are substantially different from conditions and requirements
96 imposed on multifamily dwellings, lots containing multifamily
97 dwellings, cluster developments or planned unit developments. Such
98 regulations shall not prohibit the continuance of any nonconforming
99 use, building or structure existing at the time of the adoption of such
100 regulations. Such regulations shall not provide for the termination of
101 any nonconforming use solely as a result of nonuse for a specified
102 period of time without regard to the intent of the property owner to
103 maintain that use. Any city, town or borough which adopts the
104 provisions of this chapter may, by vote of its legislative body, exempt
105 municipal property from the regulations prescribed by the zoning
106 commission of such city, town or borough; but unless it is so voted
107 municipal property shall be subject to such regulations.

108 (b) In any municipality that is contiguous to Long Island Sound the
109 regulations adopted under this section shall be made with reasonable
110 consideration for restoration and protection of the ecosystem and
111 habitat of Long Island Sound and shall be designed to reduce hypoxia,
112 pathogens, toxic contaminants and floatable debris in Long Island
113 Sound. Such regulations shall provide that the commission consider
114 the environmental impact on Long Island Sound of any proposal for
115 development.

116 (c) In any municipality where a traprock ridge, as defined in section
117 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
118 the regulations may provide for development restrictions in ridgeline

119 setback areas, as defined in said section. The regulations may restrict
120 quarrying and clear cutting, except that the following operations and
121 uses shall be permitted in ridgeline setback areas, as of right: (1)
122 Emergency work necessary to protect life and property; (2) any
123 nonconforming uses that were in existence and that were approved on
124 or before the effective date of regulations adopted under this section;
125 and (3) selective timbering, grazing of domesticated animals and
126 passive recreation.

127 (d) Whenever land is rezoned for residential use or the classification
128 of land as farm land, forest land or open space land under sections 12-
129 107a to 12-107e, inclusive, is terminated and such land is zoned or
130 rezoned for residential use, the regulations shall provide that any
131 development of more than five acres in such a residential zone reserve
132 twenty per cent of such land for starter homes, consisting of one-family
133 or two-family dwelling units on lots of no more than one-half acre, if
134 soil conditions support such development. The regulations shall not
135 establish a minimum square footage for the dwelling units.
136 Regulations may allow buildings with three or more dwelling units on
137 the reserved land based on soil conditions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	8-2

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	See Below	See Below	See Below

Explanation

The bill requires municipalities to impose zoning regulations specifying that any development of more than five acres in a specified residential zone consist of lots no larger than one-half acre, provided zoning conditions would support such development. To the degree that this results in the construction of less valuable homes than otherwise would have been possible, this provision will limit the growth in municipal grand lists.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5714*****AN ACT CONCERNING ZONING FOR STARTER HOMES.*****SUMMARY:**

This bill sets conditions under which proposed residential developments must include relatively small building lots. Towns must impose this requirement whenever they rezone land for residential use. They must also do so when the owners of farms, forests, and open space no longer qualify for the property tax benefit under the 490 land preservation program and the town subsequently rezones the land for residential development.

Towns must impose the requirement through their zoning regulations on any proposed residential development over five acres. The regulations must require the developer to set aside 20% of the land for maximum one-half acre lots for one- or two-family homes if the soil can support them. The regulations may allow dwellings with three or more units on these lots if the soil can support them. But they may not impose minimum square footage requirements on any of the structures to be built on the set-aside lots.

EFFECTIVE DATE: October 1, 2008

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 11 Nay 9 (03/12/2008)